

# KING & SPALDING

King & Spalding LLP  
1185 Avenue of the Americas  
34th Floor  
New York, NY 10036  
Tel: +1 212 556-2100  
Fax: +1 212 556-2222  
www.kslaw.com

Alvina Pillai  
Associate  
Direct Dial: +1 212 790-5331  
Direct Fax: +1 212 556-2222  
APillai@KSLAW.com

***VIA ECF***

April 19, 2023

Judge Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**RE: *Goldstein, et al. v. Lindt & Sprüngli (USA), Inc.*, No. 23 Civ. 01213**

Dear Judge Furman:

The Parties write jointly to request that the Court transfer the above-captioned action, immediately and in its entirety, to the United States District Court for the Eastern District of New York, in favor of the nearly identical, first-filed case of *Gralia et al. v. Lindt & Sprüngli (USA) Inc.*, Case No. 1:23-cv-01186-AMD-RER (“*Gralia*”), currently pending there before the Honorable Judge Ann M. Donnelly, so that this action may be consolidated with four other substantially similar putative consumer class actions that have been filed against Lindt & Sprüngli (USA) Inc. (“LSUS”) relating to Defendant’s dark chocolate products.

On February 13, 2023, the first-filed *Gralia* action was filed in the United States District Court for the Eastern District of New York, based on allegations substantially similar to those here. On February 13, 2023, after *Gralia* was filed, the above-captioned case was filed in this Court. Subsequent to that date, three other pending actions have been filed based on allegations substantially similar to those here. *See Howard v. Lindt & Sprüngli (USA) Inc.*, Case No. 2:23-cv-00243-(N.D. Ala. filed Feb. 28, 2023); *Newman v. Lindt & Sprüngli (North America) Inc.*, Case No. 1:23-cv-01972 (S.D.N.Y. filed Mar. 8, 2023); *Tettenhorst v. Lindt & Sprüngli (USA) Inc.*, Case No. 1:23-cv-00194 (D.N.H. filed March 17, 2023). Counsel for parties in the other actions have conferred and agree to transfer and/or consolidate those actions with the first-filed *Gralia* action and the parties in those actions are working on accomplishing that.

Judge Jesse M. Furman

RE: *Goldstein, et al. v. Lindt & Sprüngli (USA), Inc.*, No. 23 Civ. 01213

April 19, 2023

Page 2

The Parties in this action have conferred and agree that the above-captioned action should be transferred to the United States District Court for the Eastern District of New York so that it may be consolidated with the first-filed *Gralia* action currently pending there in front of the Honorable Ann M. Donnelly. The Parties further agree that the transfer of this action serves the interests of judicial economy and conservation of the Courts' and Parties' resources because it enables the actions to be consolidated so that the litigation may proceed without duplication of efforts.

As such the Parties jointly request that the Court enter an order transferring the above-captioned action immediately and in its entirety to the United States District Court for the Eastern District of New York, so that it may be consolidated with the first-filed *Gralia* action currently pending there in front of the Honorable Ann M. Donnelly.

Respectfully submitted,

By: /s/ Mark Reich  
Mark Reich

By: /s/ Alvina Pillai  
Alvina Pillai

cc: All counsel of record via ECF

The case is hereby TRANSFERRED to the Eastern District of New York. Any pending motions and deadlines in this Court are moot. All conferences are canceled. The Clerk of Court is directed to terminate ECF No. 7 and to transfer this case to the United States District Court for the Eastern District of New York immediately, without regard to Local Rule 83.1.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', is written over the text 'SO ORDERED.'.

April 20, 2023